

TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Barbara McDaniel, MMC, Assistant Town Clerk/954-797-1023

PREPARED BY: Barbara McDaniel, MMC, Assistant Town Clerk/954-797-1023

SUBJECT: October 1, 2008 minutes

AFFECTED DISTRICT: n/a

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: October 1, 2008 (Regular Meeting)

REPORT IN BRIEF: Council minutes from the October 1, 2008 Council meeting.

PREVIOUS ACTIONS: n/a

CONCURRENCES: n/a

FISCAL IMPACT: not applicable

Has request been budgeted? **n/a**

RECOMMENDATION(S): Motion to approve

Attachment(s): October 1, 2008 minutes

**TOWN OF DAVIE
REGULAR MEETING
OCTOBER 1, 2008**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:12 p.m. and was followed by the Pledge of Allegiance.

Mayor Truex requested a moment of silence in memory of Katie Crowley.

2. ROLL CALL

Present at the meeting were Mayor Truex, Vice-Mayor Luis, Councilmembers Caletka and Starkey. Also present were Town Administrator Shimun, Town Attorney Rayson, and Town Clerk Muniz recording the meeting. Councilmember Crowley was absent.

Councilmember Starkey made a motion, seconded by Councilmember Caletka, to excuse Councilmember Crowley. In a voice vote, with Councilmember Crowley absent, all voted in favor. (Motion carried 4-0)

3. OPEN PUBLIC MEETING

Fred Segal introduced Kathleen Dempsey, Director of the Florida Chapter of the United States Harness Riders Association, who presented a check from the Alan J. Finkleson Scholarship to Samantha Sabry.

A representative of the Davie Tackle Football Program distributed program guides and requested that Council waive the field fees for the year. He explained that they had incurred approximately \$5,800 in unforeseen costs in their first year of operation and remarked that their administration of the program had saved the Town over \$38,000. He said they hoped to make up the difference next year through concessions. Parks & Recreation Director Dennis Andresky advised that this was a reasonable request, given how much this had saved the Town. He said he was working to amend the concessions contract.

Councilmember Caletka remarked on how well the parents had responded to the program and he would support the request. Councilmember Starkey also supported the waiver request, but was concerned about the concession. Mr. Andresky said this would apply only to this group, this year.

Councilmember Starkey made a motion, seconded by Mayor Truex, to waive the \$5,800 field rental fee this year. In a voice vote, with Councilmember Crowley absent, all voted in favor. (Motion carried 4-0)

Jaime Munoz, representing Broward Aquatics members, presented a petition regarding the Pine Island pool contractor and described issues surrounding use of the pool. He explained that the pool no longer had a timing system or a scoreboard that would allow them to host large meets.

Virginia Sandbrook, whose daughter was on the Broward Aquatics team, said the team with whom they shared the pool created controversy in the swimming world and at their pool. Ms. Sandbrook believed the pool contractor's management of the pool lacked common sense.

Mr. Andresky explained that the Town's contract allowed the aquatics programmer to control operational rights to the pool. He stated that Broward Aquatics had adequate swim lanes and after allowing the second team, there was still up to one third of the pool available for public use. Mr. Andresky advised that the programmer was working with the Broward Aquatics team coach and believed the issue was being worked out.

Mr. Rayson informed Council that there was a sublease from Learn to Swim, the aquatics programmer, to the Nadadores, the other swim team. He remarked that normally, a sublease required the landlord's approval.

Councilmember Starkey remembered that Council wanted Town residents to have priority use of the pool and noted that this issue seemed to recur every year.

Vice-Mayor Luis asked Mr. Rayson to look at the contract to see if the programmer had violated any terms.

Karen King, Learn to Swim operator, explained that four teams shared use of the pool now. Western High School had requested use of the pool and had been accommodated for three years. Ms. King said the only problem had been with a particular coach and she had been working on this problem for three years. She stated that during the high school season, the pool was extremely busy, but there was still time for residents, swimming lessons and free play. After 5:00 p.m., the competitive swim teams used the pool, and each utilized six to seven lanes. There was still a lap swim area and two open areas remaining for public use.

Ms. King stated that she had worked with the Broward Aquatics coach and residents and resolved the issues. She listed the different programs offered at the pool and said the swim team was the only contentious point.

A Broward Aquatics parent said the pool was built for the public good, and should therefore not be used for profit. He asked Mr. Rayson to review the contract, and questioned why Weston kids were using this pool instead of Weston's pool. The parent stated that the reason the public outcry had arisen was because they had witnessed emotional and verbal abuse at the pool.

Tiffany Nolan asked Council to review the contract and to ensure that the Broward Aquatics swim team could remain at the pool for at least one year under the current arrangement. She also asked that Alex Pusseldi be removed from the pool deck immediately.

Tomas Victoria, Director of the Davie Nadadores, explained that they were building a competitive program. He said the Broward Aquatics members were using the same amount of space they always had and they had no problem sharing space. Mr. Victoria pointed out that 6 of the Nadadores' 25 swimmers were from Davie and he did not understand the animosity against them.

Dolphin Aquatics Coach Edgar said he did not know why the Town had hired Ms. King's company when his company had offered the Town \$10,000 more.

Councilmember Starkey indicated that Mr. Shimun, Mr. Andresky and Mr. Rayson should address these issues with the contractor. If Town staff determined the

pool was not being managed properly, Councilmember Starkey invited them to return to Council with recommendations.

Eric Schweitzer, Learn to Swim Assistant Manager, said that a large team had broken up and there were several levels of kids that one coach was trying to manage. He added that since the Olympics, there had been a huge increase in the number of kids interested in swimming. These factors had resulted in some crowding at the pool.

Kathy Cox stated that the Town's trail system had come about as a way to provide safe, equestrian-friendly passage that resisted the "suburbanized" look of sidewalks. She believed the Town should celebrate the 20th anniversary of the passage of the first bond issue. Mr. Shimun agreed to speak to Ms. Cox about this.

Eric Funderburk said the pool problems were a huge issue that needed to be resolved. He stated that Broward Aquatics had always been Davie's team and should therefore have priority.

Cindy Fritz reported that Western High School swimmers had been asked not to come to the pool and this was unacceptable. Ms. Fritz said Broward Aquatics was the Davie team and they had been offended that another team had claimed to be the Davie team.

Linda Muro said her family had been involved with Broward Aquatics for more than 10 years and said they felt threatened by the lack of a contract. She hoped Council supported their contract rights to the pool.

Barbara Tilley said that Recreation Leader Cathy Noe had done a wonderful job with the dinner theater.

Mayor Truex advised that Councilmember Crowley had requested item 6.5 be tabled.

Councilmember Starkey made a motion, seconded by Councilmember Caletka, to table item 6.5 to October 15, 2008. In a voice vote, with Councilmember Crowley absent, all voted in favor. (Motion carried 4-0)

Councilmember Starkey made a motion, seconded by Mayor Truex, to add item 8.2 to the October 15, 2008 Council meeting. In a voice vote, with Councilmember Crowley absent, all voted in favor. (Motion carried 4-0)

Councilmember Caletka made a motion, seconded by Councilmember Starkey, to table item 6.2 to October 15, 2008. In a voice vote, with Councilmember Crowley absent, all voted in favor. (Motion carried 4-0)

Councilmember Starkey made a motion, seconded by Mayor Truex, to table item 9.1 to October 15, 2008. In a voice vote, with Councilmember Crowley absent, all voted in favor. (Motion carried 4-0)

4. APPROVAL OF CONSENT AGENDA

Minutes

- 4.1 August 11, 2008 (Workshop Meeting)
- 4.2 August 20, 2008 (Workshop Meeting)
- 4.3 August 20, 2008 (Workshop Meeting)

- 4.4 August 20, 2008 (Regular Meeting)
- 4.5 September 3, 2008 (Special Meeting)
- 4.6 September 3, 2008 (Regular Meeting)
- 4.7 September 15, 2008 (Special Meeting)

Correction - Scrivener's Error

- 4.8 July 16, 2008 (page 14)

Business Tax Receipt

- 4.9 Dju Services, Inc., 14081 SW 21 Street

Resolutions

- 4.10 **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE DAVIE POLICE DEPARTMENT TO PARTICIPATE IN THE JAG PROGRAM WITH THE BROWARD SHERIFF'S OFFICE AS THE LEAD AGENCY TO RECEIVE A \$ 10,180.00 GRANT FROM THE U.S. DEPARTMENT OF JUSTICE FOR LAW ENFORCEMENT PROGRAMS, AND AUTHORIZING ACCEPTANCE AND EXECUTION OF THE GRANT, IF AWARDED.
- 4.11 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AWARDING BID B-08-84, INCLUSIVE PLAYGROUND AT PINE ISLAND PARK TO KOOL PLAYGROUND, LLC. (AWARD AMOUNT OF \$178,589.63) AND ALLOCATING ADDITIONAL FUNDING IN THE AMOUNT OF \$45,348.63 FROM DISTRICT 2 OPEN SPACE BOND FUNDS TO PROVIDE SUFFICIENT FUNDING FOR BID AWARD.
- 4.12 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA ACCEPTING A BID FOR THE REPLACEMENT OF THE PREFABRICATED METAL ROOF AT THE BERGERON RODEO GROUNDS. (Quality Roofing of Florida Incorporated - \$599,000)
- 4.13 **CONTRACT EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AN EXTENSION OF THE CONTRACT BETWEEN THE TOWN OF DAVIE AND LITTLE CRITTER CORRAL, INC. FOR LIVESTOCK GRAZING SERVICE AT ROBBINS LODGE PARK. (\$204/month revenue)
- 4.14 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN THE OBEDIENCE TRAINING CLUB OF PALM BEACH COUNTY FOR THE RENTAL OF THE BERGERON RODEO GROUNDS FOR DOG OBEDIENCE COMPETITION. (\$3,000 arena rental fee)

4.15 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA APPROVING A RECIPROCAL LICENSE AGREEMENT BETWEEN THE TOWN OF DAVIE AND SUMMERLAKE APARTMENTS, LTD., AUTHORIZING THE MAYOR TO EXECUTE THE RESOLUTION, AND PROVIDING FOR AN EFFECTIVE DATE.**

4.16 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE AND THE SOUTH FLORIDA CHURCH OF CHRIST TO MAINTAIN AN EXISTING SIGN WITHIN TOWN OF DAVIE RIGHT-OF-WAY; AND PROVIDING FOR AN EFFECTIVE DATE. (DA 3-1-08, South Florida Church of Christ, 9191 Orange Drive)**

Councilmember Caletka pulled items 4.11 and 4.16 from the Consent Agenda.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve the Consent Agenda, less items 4.11 and 4.16. In a voice vote, with Councilmember Crowley absent, all voted in favor. (Motion carried 4-0)

5. DISCUSSION OF CONSENT AGENDA ITEMS

4.11 Councilmember Caletka recommended tabling this item because it was in District 2 and Councilmember Crowley was absent.

Councilmember Caletka made a motion, seconded by Councilmember Starkey, to table to October 15.

Mr. Andresky stated that there would be no problem delaying this item; however, he had spoken with Councilmember Crowley about this and he supported it.

Councilmember Starkey withdrew her second of the motion. Motion died for lack of a second.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve. In a voice vote, with Councilmember Crowley absent and Councilmember Caletka dissenting, all voted in favor. (Motion carried 3-1)

4.16 Councilmember Caletka opposed all signs in the Town's right-of-way.

Councilmember Starkey made a motion, seconded by Vice-Mayor Luis, to approve. In a voice vote, with Councilmember Crowley absent and Councilmember Caletka dissenting, all voted in favor. (Motion carried 3-1)

6. PUBLIC HEARING

Resolution

6.1 **BOND ISSUANCE** - A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA MAKING CERTAIN FINDINGS; AUTHORIZING THE ISSUANCE OF THE TOWN OF DAVIE, FLORIDA, EDUCATIONAL FACILITIES REVENUE BONDS, SERIES 2008B (NOVA SOUTHEASTERN UNIVERSITY PROJECT) IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$60,000,000 TO PAY OR REIMBURSE THE COST OF THE EDUCATIONAL FACILITIES TO BE ACQUIRED, CONSTRUCTED AND EQUIPPED BY NOVA SOUTHEASTERN UNIVERSITY, INC., AND TO PAY CERTAIN COSTS OF ISSUANCE OF THE 2008B BONDS INCLUDING THE COSTS OF A CREDIT FACILITY; AUTHORIZING THE EXECUTION, DELIVERY AND/OR USE OF A BOND INDENTURE, BOND LOAN AGREEMENT, MASTER TRUST INDENTURE, MASTER BCEFA SUPPLEMENT, MASTER OBLIGATION, CREDIT FACILITY, REMARKETING AGREEMENT, BOND PURCHASE AGREEMENT, OFFICIAL STATEMENT AND OTHER DOCUMENTS AND THE PERFORMANCE OF OBLIGATIONS THEREUNDER; AUTHORIZING THE NEGOTIATED SALE OF THE 2008B BONDS TO SUNTRUST ROBINSON HUMPHREY, INC. AND BANC OF AMERICA SECURITIES LLC AND DELEGATING THE MAYOR AND TOWN ADMINISTRATOR TO FIX THE FINAL TERMS AND CONDITIONS OF THE 2008B BONDS AND DOCUMENTS SUBJECT TO CERTAIN PARAMETERS; APPOINTING U.S. BANK NATIONAL ASSOCIATION AS THE BOND TRUSTEE, PAYING AGENT AND REGISTRAR; REQUIRING INDEMNIFICATION; AUTHORIZING FURTHER ACTS ON BEHALF OF THE TOWN IN CONNECTION WITH THE 2008B BONDS; PROVIDING FOR SEVERABILITY; DECLARING FLORIDA LAW AS THE GOVERNING LAW IN CONNECTION WITH THE ISSUANCE OF THE 2008B BONDS; AND PROVIDING AN EFFECTIVE DATE.

Mr. Rayson read the resolution by title.

Mayor Truex opened the public hearing portion of the meeting.

Hiram Ruiz pointed out that Nova saved significant money because of its tax-exempt status and he felt that in these instances, there should be a demonstrated benefit to the community. He requested that Council ask Nova to demonstrate how this would benefit the Town.

George Hanbury, Executive Vice President and COO of Nova Southeastern University, stated that the school felt it had been a good neighbor and believed it gave back to the community as an economic engine. Because the University was a private 501(C)3 organization, this was its only means to issue tax-exempt bonds. Dr. Hanbury stated that the Town had authorized these bonds for other 501(C)3 private schools in the town and Nova wanted to be treated the same. He noted that this \$60 million was solely

for the expansion of the University School, and said the actual sale could be delayed until the markets settled.

Councilmember Starkey thanked Dr. Hanbury for addressing the concerns she had expressed on behalf of residents.

As no one else spoke, Mayor Truex closed the public hearing portion of the meeting.

Mr. Rayson informed Mayor Truex that the Town had no liability or risk in this transaction.

Councilmember Caletka asked Dr. Hanbury what benefits the bond would allow Nova to offer to the Town. Dr. Hanbury replied that the University had always made meeting space and facilities available to the Town. Mayor Truex remarked that Nova had also been very involved with the Chamber of Commerce and in supporting local businesses.

Councilmember Caletka asked if the Town's credit rating would be affected if Nova defaulted. Mr. Shimun and Mr. Rayson stated that the Town would not be affected.

Vice-Mayor Luis made a motion, seconded by Councilmember Starkey, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Luis - yes; Councilmember Caletka - yes; Councilmember Crowley - absent; Councilmember Starkey - yes. (Motion carried 4-0)

Ordinances - Second and Final Reading

- 6.2 **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES BY ADDING A NEW ARTICLE II TO CHAPTER 18 OF THE TOWN CODE ENTITLED "MOTOR VEHICLE ACCIDENT AND INCIDENT FEES"; AUTHORIZING THE TOWN TO IMPOSE SERVICE FEES OR CHARGES FOR THE DEPLOYMENT OF PUBLIC SAFETY SERVICES RENDERED BY THE TOWN OF DAVIE FOR MOTOR VEHICLE ACCIDENTS AND INCIDENTS; PROVIDING THAT SUCH FEES AND CHARGES SHALL BE ESTABLISHED OR MODIFIED FROM TIME TO TIME BY RESOLUTION OF THE TOWN COUNCIL; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS; INCORPORATION INTO THE CODE OF ORDINANCES OF THE TOWN; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. {Approved on First Reading September 17, 2008. The vote was as follows: Mayor Truex - no; Vice-Mayor Luis - yes; Councilmember Caletka - no; Councilmember Crowley - yes; Councilmember Starkey - yes} [see related item 9.1]**

This item was tabled earlier in the meeting.

- 6.3 **PLAN AMENDMENT - AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE TOWN OF DAVIE RETIREMENT PLAN AND TRUST FOR MANAGEMENT AND GENERAL EMPLOYEES; AMENDING**

ADOPTION AGREEMENT SECTION E (3)(d) TO PERMIT PROMOTED MANAGERIAL EMPLOYEES TO UPGRADE THEIR PRIOR GENERAL EMPLOYEE SERVICE BY PAYING THE FULL ACTUARIAL COST OF SUCH SERVICE; AMENDING ADOPTION AGREEMENT SECTION G(3) REGARDING THE CALCULATION OF PENSION BENEFITS FOR GENERAL EMPLOYEE MEMBERS WHO ARE PROMOTED TO MANAGERIAL POSITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; AND PROVIDING FOR AN EFFECTIVE DATE. **{Approved on First Reading September 17, 2008. All voted in favor.}**

Mr. Rayson read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, Mayor Truex closed the public hearing portion of the meeting.

Councilmember Starkey made a motion, seconded by Vice-Mayor Luis, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Luis - yes; Councilmember Caletka - yes; Councilmember Crowley - absent; Councilmember Starkey - yes. (Motion carried 4-0)

Ordinance - First Reading (Second and Final Reading to be held October 15, 2008)

- 6.4 **VACATION** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING VACATION APPLICATION VA 11-1-06 "OAK HOLLOW" VACATING PORTIONS OF RIGHTS-OF-WAY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (VA 11-1-06, Oak Hollow, 3700 SW 136 Avenue) (tabled from September 17, 2008) *Planning and Zoning Board recommended to allow the vacation and to allow the fencing with restrictions to anything that resembles a shed, any type of storage structure, or any type of monolithic slab for boat storage or anything like that which would be unappealing to the open space or to the horse trail as it presently existed - nothing permanent within the 15-feet except for fencing*

Mr. Rayson read the ordinance by title. Mayor Truex announced that a public hearing on the ordinance would be held at the October 15, 2008 meeting.

Mayor Truex opened the public hearing portion of the meeting.

Jay Evans, representing the applicant, gave a brief history of the right-of-way. He stated that the Landscape Division recommended approval, subject to the planting of a continuous hedge and trees with 30-foot spacing to provide a buffer. The Engineering Department also wished this land to be used as a buffer. The Open Space Advisory Committee approved the request, provided there was no hardscape or fencing in the area. The applicant did not object to the hardscape request, but wanted to fence the property. Mr. Evans said the Planning and Zoning Board unanimously approved the request with the allowance for fencing and the prohibition of other hardscape. Mr. Evans asked that this section of right-of-way be treated the same way the Town had treated all of the other adjacent portions.

Mayor Truex asked if the applicant would still want the vacation if Council agreed with the Open Space Advisory Committee recommendation to include the prohibition of fencing. Mr. Evans stated, "We strongly would like the opportunity to protect our lots and our subdivision just like the neighbors east and west."

Kathy Cox said she had "serious reservations" regarding vacation of this right-of-way. She referred to photos showing the landscape completely obstructing the equestrian trail and encroaching on the bike path at 130th Avenue at Whispering Pines. In the area of the cul-de-sac, Ms. Cox said a neighbor had planted a ficus hedge that obstructed the equestrian trail. Another neighbor had installed a fence that interfered with the equestrian trail and the bike path. Mayor Truex asked Mr. Shimun to bring the fence to the attention of the appropriate official. Ms. Cox stated that the developer had been permitted to build a rock construction road that was "torture to horses" that had never been fixed. Another neighbor had planted shrubs and plantings in an area that was supposed to remain grass to allow horses to cross.

Ms. Cox said the neighbors had purchased the property aware of the trail and some were already encroaching on Town property. The developer had not been a good neighbor, even though the Town and the recreational trail users had "bent over backwards" to help him. Ms. Cox explained the easement was put there to protect the

trail system and she feared that if the Town granted one easement, “people... are going to start lining up.” She asked Council to deny the vacation request.

Eric Johnson, member of the homeowner’s association, agreed that the developer had not lived up to his end of the bargain and advised that he had met with the developer to discuss remediation of one of the areas Ms. Cox had described. He said that all the plantings in Ms. Cox’s photos were of vegetation that existed before the neighbors moved in. Mr. Johnson pointed out that it was the Town’s responsibility to maintain the area. The representative said their plan was to cut the overgrowth back and not to build any fencing that would obstruct a path.

Another homeowner’s association member stated that they did not want to take anything away from the trail; they wanted to take over the 15 feet that no one was currently maintaining and take care of it.

Mr. Johnson reminded Council that the Planning and Zoning Board and staff had both recommended allowing the vacation and fencing. He felt it would be unfair to require the neighbors to maintain the land and not allow them to fence it off. Mr. Johnson said the neighbors were willing to do what the developer had not.

As no one else spoke, Mayor Truex closed the public hearing portion of the meeting.

Mayor Truex agreed with Ms. Cox that once they agreed to allow fencing in areas like this, it would happen again.

Vice-Mayor Luis felt this was a unique situation. He noted that fewer people used the trails now and if there was a problem passing through, a letter should be sent to the homeowner’s association requesting that the area be cleared. He supported the vacation request.

Councilmember Caletka reminded everyone of the discussions in the past few months regarding who was responsible for right-of-way maintenance. He felt the encroachment problem would only get worse as neighbor after neighbor took advantage of the situation.

Councilmember Starkey said she would not support the vacation. She agreed the area must be cleaned up and acknowledged this responsibility would fall to the Town.

Vice-Mayor Luis made a motion to table the item until all Councilmembers were present. Motion died for lack of a second.

Councilmember Starkey made a motion, seconded by Mayor Truex, to deny. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Luis - no; Councilmember Caletka - no; Councilmember Crowley - absent; Councilmember Starkey - yes. (Motion failed 2-2 - item automatically tabled to October 15, 2008)

Quasi Judicial Items

- 6.5 **VARIANCE** - V 5-2-08, Davie Manor Townhomes, 6482 Palm Garden Court (RM-10) (to reduce the required landscape buffer abutting a collector street for lots 14 through 21 from 20 feet to 12 feet and to reduce the required landscape buffer abutting a street for lots 7 through 13 from 10 feet to 8 feet) *Planning and Zoning Board recommended approval subject to the restriction that it be an elevated wooden deck which would not obstruct the existing drainage system*

This item was tabled earlier in the meeting.

- 6.6 **VARIANCE - V 7-1-08, Griffin, 411 Barbri Lane (R-3)** (to reduce the required side setback along the western property line from 15 feet to 8.7 feet) *Planning and Zoning Board recommended approval subject to the stipulation that the petitioner provide a letter to the Planning and Zoning Division from the homeowners' association that they have no problems with the variance request*

Mr. Rayson swore in witnesses. Planning & Zoning Acting Deputy Manager David Abramson summarized the planning report.

Mr. Rayson opened the public hearing portion of the meeting. As no one spoke, Mr. Rayson closed the public hearing portion of the meeting.

Vice-Mayor Luis made a motion, seconded by Councilmember Starkey, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Luis - yes; Councilmember Caletka - yes; Councilmember Crowley - absent; Councilmember Starkey - yes. (Motion carried 4-0)

- 6.7 **VARIANCE - V 7-2-08, Oakes, 5510 SW 54 Street (R-3)** (to reduce the required side setback on the western property line from 15 feet to 8 feet) *Planning and Zoning Board recommended approval*

Mr. Rayson swore in witnesses. Mr. Abramson summarized the planning report.

Mr. Abramson confirmed for Councilmember Caletka that this was permitted when the property was built. Councilmember Caletka said he would support this because it was previously permitted.

Councilmember Starkey remarked that there had been no objections from the neighbors and this would not obstruct a gate planned for the area. She therefore supported the request.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, Mayor Truex closed the public hearing portion of the meeting.

Councilmember Caletka made a motion, seconded by Vice-Mayor Luis, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Luis - yes; Councilmember Caletka - yes; Councilmember Crowley - absent; Councilmember Starkey - yes. (Motion carried 4-0)

7. APPOINTMENTS

7.1 Mayor Truex

- 7.1.1 Senior Citizen Advisory Committee (one exclusive appointment - term expires April 2010) (members shall be a minimum 60 years of age)

No appointment was made.

- 7.1.2 Youth Education and Safety Advisory Board (one exclusive appointment - term expires April 2010) (members shall, whenever possible, have interest and expertise in law enforcement, elementary school instruction, education matters, child psychology, pediatric medicine, parenthood and grandparenthood)

No appointment was made.

7.2 Vice-Mayor Luis

7.2.1 Open Space Advisory Committee Agency (one exclusive - term expires April 2010)

No appointment was made.

7.3 Councilmember Crowley

7.3.1 Youth Education and Safety Advisory Board (one exclusive appointment - term expires April 2010) (members shall, whenever possible, have interest and expertise in law enforcement, elementary school instruction, education matters, child psychology, pediatric medicine, parenthood and grandparenthood)

No appointment was made.

7.4 Councilmember Starkey

7.4.1 Agricultural Advisory Board (one exclusive appointment - term expires April 2010) (insofar as possible, members shall have experience in agricultural matters, related occupations or other similar skills)

Councilmember Starkey appointed Dr. Sam Scott.

7.4.2 Open Space Advisory Committee Agency (one exclusive appointment- term expires April 2010)

No appointment was made.

7.4.3 Youth Education and Safety Advisory Board (two exclusive appointments - terms expire April 2010) (members shall, whenever possible, have interest and expertise in law enforcement, elementary school instruction, education matters, child psychology, pediatric medicine, parenthood and grandparenthood)

Councilmember Starkey appointed Lorraine Hoffenz.

7.5 Unsafe Structures Board (one non-exclusive appointment; term expires April 2009) (appointment shall be a plumbing contractor - member shall be a permanent resident or have their principal place of business within the Town's jurisdiction)

No appointments were made.

Councilmember Starkey stated that she wanted to appoint Marie Hammond, the Sunshine Village Mobile Home Park manager, to the Mobile Home Task Force.

Mr. Muniz reported the Mobile Home Task Force had a quorum, but Councilmember Starkey and Vice-Mayor Luis each had an appointment to make.

Mayor Truex asked that the criterion for a mobile park representative be dropped to allow the Task Force vacancies to be filled immediately.

Vice-Mayor Luis made a motion, seconded by Councilmember Starkey, to drop the requirement to have one representative from the mobile home park owner. In a voice vote, with Councilmember Crowley absent, all voted in favor. (Motion carried 4-0)

8. OLD BUSINESS

8.1 Update on Sierra Ranches Site Plan

Mr. Abramson summarized the staff report. He informed Council that this had been reviewed and released by Development Review Committee.

Alejandro Ruffino, the applicant, advised that the original site plan included a roundabout inside the community. When the Town decided to build a roundabout on Hiatus Road, it no longer made sense to build the interior roundabout. Mr. Ruffino explained that they had donated \$400,000 for the Town to build the roundabout when sufficient right-of-way was acquired, but the funds had been used to construct another roundabout.

Councilmember Starkey was concerned that staff took it upon themselves to reconfigure the entire design after Council had approved it. She said the new feature would require recalculations for water retention and drainage. Councilmember Starkey felt changes such as this should be presented to Council, and asked that this not be allowed to happen again.

Mayor Truex reminded Councilmember Starkey that Council had voted 5-0 to approve the change. Councilmember Starkey said that the vote had been after the site plan was redesigned.

Mr. Ruffino stated that the design change to move the roundabout from the middle of the property to the southwest corner was a technical change suggested by the Engineering Department. The lack of right-of-way had prompted the applicant to move the entrance.

9. NEW BUSINESS

9.1 AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT WITH COST RECOVERY CORPORATION (CRC), TO PROVIDE ACCIDENT COST RECOVERY SERVICES. [see related item 6.2]

This item was tabled earlier in the meeting.

10. SCHEDULE OF NEXT MEETING

11. MAYOR/COUNCILMEMBER'S COMMENTS **COUNCILMEMBER CALETKA**

FDOT SURVEYING. Councilmember Caletka said that residents of Park City East were concerned that FDOT was surveying their properties.

VICE-MAYOR LUIS

HAPPY NEW YEAR. Vice-Mayor Luis wished members of the Jewish community a happy Rosh Hashanah.

OAK HILL. Vice-Mayor Luis had met with residents of West Oak Estates and he wanted to bring the item back to Council in November.

SWIM TEAM ISSUE. Vice-Mayor Luis said that he had discussed this recurring problem with Mr. Shimun. Vice-Mayor Luis stated that this was a community pool and he felt the operator was trying to take the facility in a different direction. He remarked that “Davie tends to cater to the average athlete; we don’t necessarily cater to our travel team” and wanted Council to “lean more to the swim team...instead of the select few.”

A TASTE OF MARGATE. Vice-Mayor Luis said that he had spoken with a Margate Councilmember regarding their “A Taste of Margate” program, whereby a restaurant was permitted to make a presentation and to offer food samples at Council meetings. He wished to initiate such a program in Davie. Mayor Truex asked staff to look into this and report back to Council.

MAYOR TRUEX

BLACK HAWK RANCHES. Mayor Truex said that he did not necessarily agree with staff’s position with Mr. Shimun explaining that staff’s position was that this must be taken care of by the homeowners. Mayor Truex felt the Town had not done all it should have. He noted that the site plan was missing and funds provided by the developer for some improvements were used in a different area.

Councilmember Starkey said she was unsure what staff’s final position was and requested an update. She agreed that two trees must be removed because they were hazards. She recommended they wait until the issue was heard by Code Enforcement.

12. TOWN ADMINISTRATOR’S COMMENTS

POOL ISSUE. Mr. Shimun stated that staff was working with residents to resolve this issue, but residents still had the right to address Council on any Town issue of concern.

13. TOWN ATTORNEY’S COMMENTS

No comments were provided.

14. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 10:01 p.m.

Approved_____

Mayor/Councilmember

Town Clerk

